

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

FLORENTINO RUIDIAZ, JR.,

Defendant

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CRIMINAL NO. 05-10214-MLW

JOINT MOTION REQUESTING AN IMMEDIATE PRETRIAL CONFERENCE

The United States of America and defendant Florentino Ruidiaz, Jr., by their respective undersigned counsel, hereby respectfully move this Court to conduct a pretrial conference in this matter as soon as possible. In support of this motion, the parties state as follows:

1. Defendant was arrested by the Brockton Police on July 17, 2005, and has been incarcerated since that date. Defendant was indicted federally on August 24, 2005, and is charged with one count of being a felon-in-possession in violation of 18 U.S.C. § 922(g)(1).

2. Although counsel have engaged in preliminary discussions concerning a resolution of this matter short of trial, those discussions have been unsuccessful. Counsel believe that any further discussions must wait until such time that any defense suppression motions are filed and resolved.

3. Currently pending are several motions concerning the status of Defendant's counsel, including Defendant's pro se May 17 motion seeking appointment of new counsel and defense counsel's June 9 motion seeking to withdraw as Defendant's counsel.

4. Also pending is defense counsel's motion for relief of the Court-appointed date for filing any suppression motion until such time that his appointment status is resolved.

5. At the initial pretrial conference, this Court orally authorized the taking of a pretrial deposition of one of the Government's witnesses, Brockton Police Officer Brian Benvie, who has been called up on active duty and is at Fort Dix, New Jersey, awaiting transfer to Iraq this summer. The parties originally agreed upon June 20, 2006, as the date on which Officer Benvie was to be deposed. However, after defense counsel advised the Government that he could not adequately represent Defendant given the conflicts that have arisen between counsel and Defendant and given the pendency of Defendant's motion for new counsel, the Government reluctantly agreed to reset the deposition. A new tentative date of July 11, 2006, has been established for the taking of this deposition. This may be the last available date for taking Officer Benvie's deposition prior to his transfer to Iraq given various conflicts in counsel's respective schedules.

6. Given the breakdown in communication between Defendant and defense counsel, defense counsel believes that it may be improper for him to represent the Defendant at the upcoming scheduled deposition of Officer Benvie until the issues concerning Defendant's representation have been resolved

Accordingly, the parties respectfully request that this Court conduct a pretrial conference at the earliest practicable time to address these issues.

FLORENTINO RUIDIAZ, JR.

By his attorney,

/s/ Melvin Norris
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Respectfully submitted,

MICHAEL J. SULLIVAN
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Date: June 19, 2006